1927

Department of Land Rev & Sett

OFFICE Board of Rev.

STATION Madras.

Misc. No. 437

Dated 16. 2. 27.

To whom sent	Date	Initial
	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched 11/2/27	
	Indexed	
Pages in the file	To be destroyed on	

(SUBJECT.)

Transfer

Land - Poromboke to anam - Bellary Dt - Hospet Tk - Belagodu vge - S. No. 155 - Appeal Order passed.

Not to be filled in the case of permanent records.

A. D. DEEN DAYAL.
ENGINEERING CONTRACTOR.

1

71 6964

Hospet, 12. 10. 1926

BOARD OF REVENUE
14 OCT. 1926
& SETTLEMENT

T O,

THE SECRETARY,

to the Board of Revenue Settlement

and Land Revenue, MADRAS.

Honoured Sir,

A. D. Deen Dayal of Hospet most respectfully begs to submit the following petition for your Honour's kind consideration and favourable orders : -

2. S. No. 155 of Belagodu village (No. 89) of Hospet Taluk is classed as a road poramboke. A portion of it about half an acre towards the South-east of the field forms a bend un-connected with the road proper. The latter portion is not covered by any rastha or any of its appurtenances. It is not required for any state or communal purposes.

3. The petitioner has at a great expense improved the land in question and was able to bring it under cultivation. He raised a paddy crop last year and has now raised a sugar-cane crop. It is therefore unnecessary to state that the land in question is quite fit for cultivation and is easily irrigable from the channel.

4. The road in question is neither a Local Fund road nor any other road maintained at the cost of the state. It is an insignificant cart-track used by agricultural classes. The road in question maintained a uniform width through-out though not -- smaller here and there. At the site where it touches the land in

Jig
14 10 26

P. T. O.

question the road is far wider than any other place. The insignificance of the road in question will be better illustrated by the following facts : -

(1) that it has not been classed nor demarkated as a road peramboke in a few places towards its South within the limits of Mudlapur village (No. 38). It runs in patta lands just like several other cart-tracks. This fact was not considered nor verified even though the petitioner urged to do so

(2) the village of Belagodu to which the land in question belongs has been deserted and the whole of the village site has been assigned on patta and is now under cultivation.

1997-98 5. The present Sub Collector after personal inspection of the land in question was pleased to observe that the assignment is not in any way objectionable and that the road is wide enough for the free passage of two carts, and he was further pleased to order the sub-division of the land and transfer it to Ayen; but the 1998-99 late Collector in the course of the jamabandy of Hospet Taluk was pleased to hold a contrary view of the matter that two carts going abreast or crossing each other run the risk of falling either in a nalla or in a ditch. This observation is not consistant with the state of existence on the ground. There is no nalla worth the name. The so-called ditch is far away from the road proper. The late Collector was pleased to take only one-sided view of the matter and was not even pleased to give any opportunity to the petitioner to put forward any facts to contradict the afore-said

P. T. O.

objections. No notice was given to the petitioner nor was he sent for by the late Collector, during his enquiry and inspection. The petitioner therefore thinks that the circumstances of the case seem to have been exaggerated. The particular places mentioned by the late Collector viz: the ditch and the nalla are protected by ridges of a sufficient height and it cannot be supposed for a moment that carts crossing abreast would ever run the risk o f falling into either. It is further submitted that the petitioner has improved the road at his own expense to a great extent and is even prepared to make any further improvement if suggested at his own cost.

6. As regards the formation of the portion of land in question the petitioner submits that it is a big bend formed out of the road perambulation and it is but necessary that the boundary of the road should be straightened. Hence the provisions B. S. O. 34 A Para 11 are directly applicable to this case. This is an important point in favour of the petitioner and it is not at all taken into consideration by the late Collector nor was the petitioner given any opportunity to represent this point before the late Collector.

7. These above facts were placed before the present Collector but hex was pleased to order that he cannot set aside the orders of his predecessor and that the petitioner might address the Board if so advised. Please vide Collector's L. Dis C. 4679 dated 10-9-26, ref: No. 4879. / 26A3 dated 22-9-26.

8. In conclusion, the petitioner prays that the Honourable

P. T. O.

A. D. DEEN DAYAL.
ENGINEERING CONTRACTOR.

4

Hospet, ... 192 .

Board will be pleased to set aside the orders of the late Collector and up-hold the Sub Collector's order for the sub division and transfer of the land to Ayen. (7)

9. The marginally noted records are herewith submitted duly stamped.

The humble petitioner begs to remain,

Honoured Sir

Your Honour's Most Obedient Servant.

A. D. Deen Dayal

12.10.26

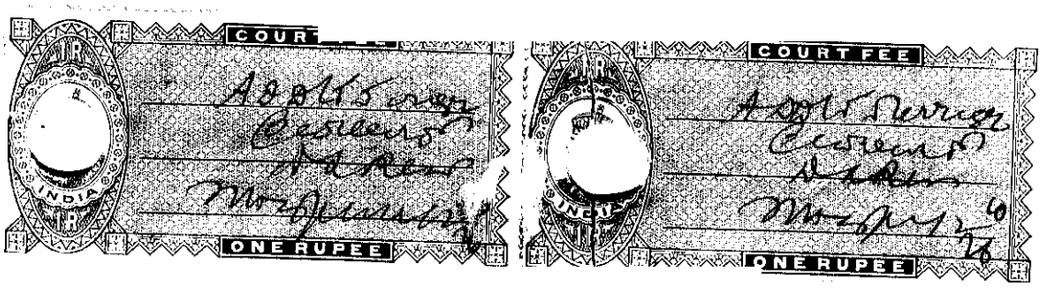
Enclosures: -

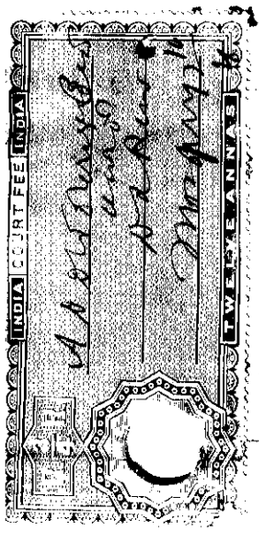
pp 7-10 ✓ I. 1 copy of Sub Collector's proceedings D. Dis C. 1015/25A 2 dated 17-11-25

pp 11-12 ✓ II. Copy of Collector's remarks in the jamabandy check memo dated 2-2-26.

p 5 ✓ III. Collector's L. Dis C. 4679/26 dated 10-9-26.

p 6 ✓ IV. Collector's Ref: No. 4879/ 26A3 dated 22-9-26.





Dis. C. 4679/26 5 Bellary Collector's Office.
Dated the 10th September 26

Proceedings of the Collector of Bellary.

C. G. Herbert Esq., I. C. S.,

Assignment of land-Hospet Taluk-Belagodu Village-S. No. 155 -Application of Deen Dayal- for reconsideration Of Collector's orders passed-during Jamabandi.

Order.

The Collector cannot set aside the orders of his predecessor.

By order

K.H. 14-9-26. Huzur Sheristadar.

To A.D. Deen Dayal. Engineering Contractor Hospet.

Copy to the Tahsildar of Hospet.

Copy to the Revenue Divisional Officer Hospet.

16/9/26

RefNo. 4879/26A-3

6

Bellary Collector's Office.
Dated 22nd September 1926.

Proceedings of the Collector of Bellary

C. C. Herbert Esq., I. C. S.,

Assignment Land-Hospet Taluk- Belugodu Village-S.No. 755 application of A.D. Deen Dayal for reconsideration of the orders passed in Collector's L.Dis. C. 4879/26 dated 10-9-26.

O r d e r.

The petitioner may address the Board himself, if he wishes to do so.

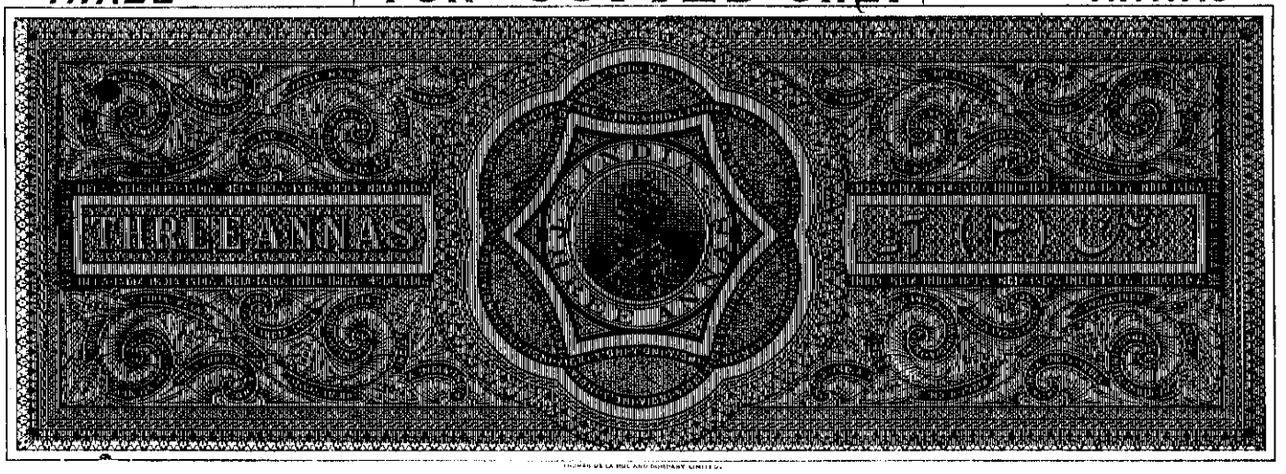
By order

Huzur Cheristadar.

H.H. 23-9-26.

To A.D. Deen Dayal Contractor Hospet.
Copy to the Tahsildar of Hospet.
Copy to Divisional Officer Hospet.

THREE FOR COPIES ONLY 7 ANNAS



Proceedings of the Sub Collector of Hospet

Present E.W Dorg. Esq.r I.C.S,

Dos. C. 1015/25-A2 & 17-11-25

Encroachment — Sy.no. 185 Kasta Poramboke of Belagodu - Hospet Taluk

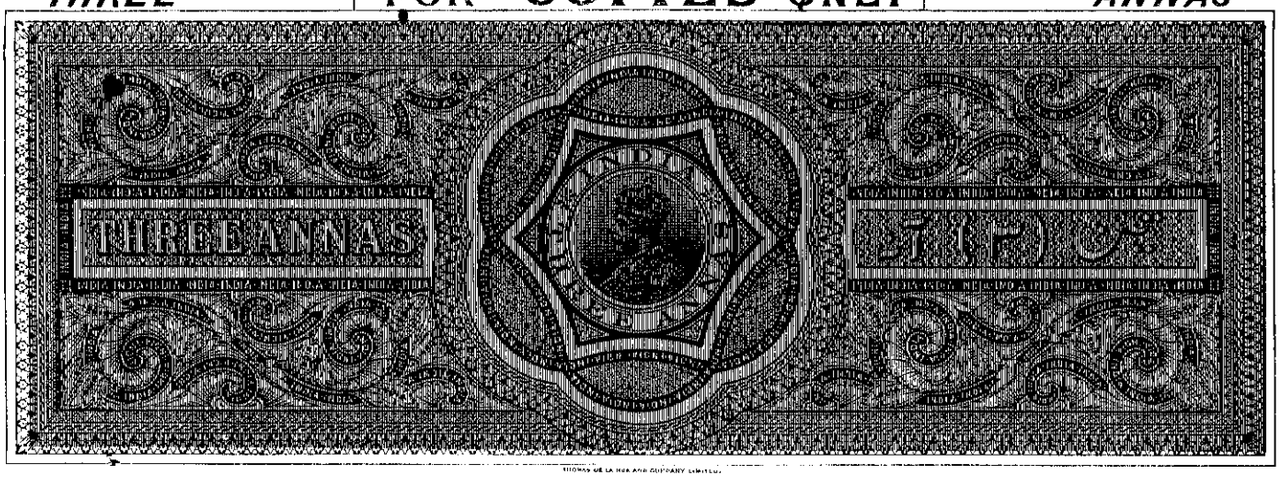
Hospet Tahsildars report Ref Syn. 17/35-B 14-9-25

Order

The undersigned inspected the encroachment made by Deena Modaliar of Hospet and Considers that it is not in any way objectionable. The ~~road~~ road at the spot is wide enough for the free passage of 2 carts. The objections received are frivolous and there is no reason why the portion encroached upon should not be transferred to ayan. The Tahsildar will have the portion subdivided and submit proposals in the prescribed form for transferring the lands to ayan. After the land is transferred to ayan it should be sold in auction with reserve price, the value of the adjacent lands

2. The Tahsildar will also report how much of the village site has been already

THREE FOR COPIES ONLY ANNAS



assigned on patta and how much is still available and whether the available portion is fit for cultivation

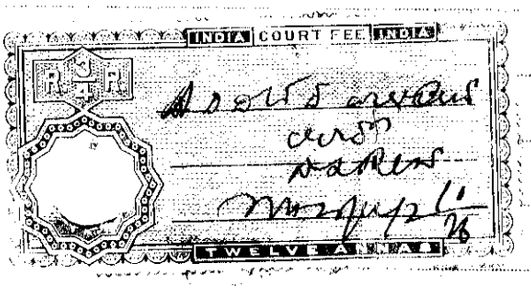
(Sd) E. W. Darg,
Sub Collector,
17-11-26

Copies by Peon
Compared by K Sankaralu 6.8.26.
Corrections nil
Words 184

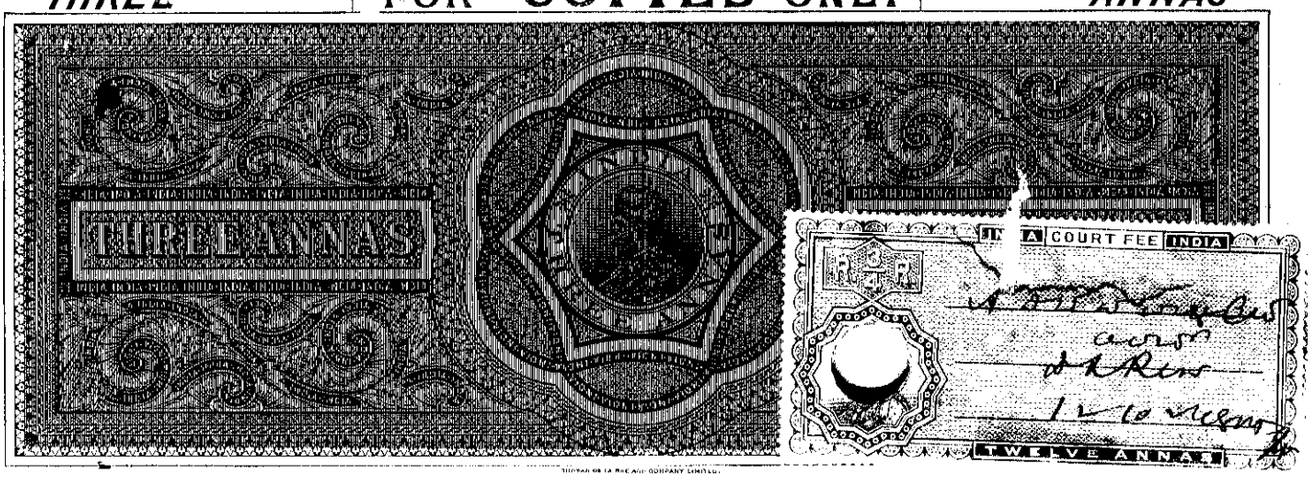
(True Copy)
G. Joseph Chetty
Head Clerk

Rs 2-8-0 paid
6.8.26

6.8.26
Rs 8-0-0



THREE FOR COPIES ONLY ANNAS



Copy of Collectors Remarks against Question No 28 of Cshuch memo. for 89 Belagodu for Fasli 1335 with regard to encroachment in S. No 155 of Belagodu Village Hoskote TK.

"I do not agree I have inspected the land. The cart track at the spring is ~~more~~ towards none. There is a nalla on one side and on another a ditch formed by the Sivanajana occupant and two carts going abreast or crossing each other cause the risk of ~~falling~~ into either. Unauthorised occupation of cart tracks is prima facie objectionable and if it is not repressed in a case of this kind it leaders as a precedent to such occupants in future. The land should not be assigned on patta. It will remain as cart track forever. The occupant should be ejected ~~it~~ and the rasta restored to its original condition or fain of prosecution. (Signed) Bayatullah Saikh Collector. 2.2.26

Copied by Naregal

Compared by Sk Sivabala Rao 2-9-26

Sent by Boy

(True copy)

Mukhtiar

Head Assistant

13

Subject.—

R P. XXII-A-19 —15,004—18-12-25 (6)

FOR MEMBER

Transfer:

Peramboke to ayan —
Bellary Dt. Hospet Tk — Belagodury
S. no 158 — Appeal

READ AGAIN B.P No. _____ dated _____ 192 .

" " " _____ " _____ 192 .

READ ALSO :—

Register No. 6964 From the petr ,No. —, dated 12 10 1926 &

" " " " " _____ " _____ 192 .

" " " " " _____ " _____ 192 .

~~RESOLUTION~~ Rev. I No. 6964-26-1, dated 16 10 1926

R. I. on 16.12.26.

R. II. on 20.1.27.

Forwarded to the Collr. of Bellary for submission of the records with remarks on any allegations in the petition which are not clearly dealt with in the records.

16/10/26

Rh
14.10.26.

14.10.26

To the Collector of Bellary
with a petn and encls in
original to be returned.

Dept H
20.10

Land Rev. & Sett. DEPARTMENT. O.F. 98

I. REMINDER. Settlement Branch. REPLY.

To THE Collr. of Bellary.

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned at ~~once~~ earliest date with information as to—

Refce F No. 6764-26-1, dated 16-12-1926

(1) the stage at which the matter now is, +

(2) the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay.~~

~~2. It is requested that the reply to this reminder may be sent not later than~~

Office Board of Rev. (L.R. & Sett).
Station Madras.
Dated 16.12.26.

Signature.
For Secy.
Designation.
16.12.26

SUBJECT.

Transfer: Perambore to Ayan - Bellary Dt - Hospet Th - Belagodu vge - S.no. 155 Appeal.

To THE Secretary to the Board of Rev. L.R.S. Madras

Sir,

A reference has been made to the Tahsildar of Hospet and he has been reminded urgently in the matter. Reply will be submitted on receipt of records from the Tahsildar.

K Govindan

for Collector

17.12.26.

A.3.

No II **REMINDER.**

Land Rev. & Sett. DEPARTMENT.

Settlement Branch.

C.F. 98

REPLY.

BOARD OF REVENUE & SETTLEMENT 24 JAN 1927

To THE Collr. of Bellary

The undersigned ~~has the honour to invite~~ is directed to invite attention to the communication noted in the margin and to request that this reminder may be returned at ~~once~~ an early date with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay.~~

~~2. It is requested that the reply to this reminder may be sent not later than~~

Refce. F No. 6964-26-1, dated 16.10.1926

Office Board of Revenue (L.R. & Sett.)

Station Madras.

Dated 20.1.27.

A. Chalmers
Signature.
For Secy.
Designation.

SUBJECT.

Transfer: Perambore to agam – Bellary dt – Hospet th – Belagodu vge – S.no. 155 – Appeal

To THE Secretary to the Commissr to the Board of Rev. L.R. & Sett. Mem.

Sir,

The reply to your Memo is being submitted today

for Chairman

21.1.27

16

C.F. 32(a)

In reply, please quote number, date and short title.

Revenue DEPARTMENT.

Received 26 JAN 1927 Registered 7762

From (Name) J.P.HAYNES Crofton Esquire I.C.S.,

(Designation) Collector of

Post Box ____, (Station) B e l l a r y.

Telegraphic Address ____

To The Secretary to the Commissioners
Land Revenue & Settlement,
M A D R A S.

R.Dis. C No. 5558/26 A/2 dated 21st January 1927.

Sir, Transfer - Land - Poramboke to ayan - Hospet taluk Belagodu village S.No.155 - appeal.

Enclosures ____

Spare Copies ____

Board's Ref. F.6964-26-1 dated 16-10-26.

I enclose the appeal petition of Deenadayal of Hospet with the marginally noted records together with a copy of my inspection notes and a sketch showing the position of the encroachment made by the appellant.

1. Check memo.
2. Sub Collector's D.Dis.1015/17-11-25.
3. R. Memo.
4. Rq. D.Dis.C.560/26 dated 3-6-26 & 560/29-6-26.
5. T.N.R.22-1-27.

JJH 26.1.27

for Collector.

I inspected the land with the Tahsildar and Revenue Inspector

and do not quite understand why Mr. Bazlullah objeted so strongly to the proposals of the Sub-Collector. Just where the land is situated the road is distinctly broader than in either direction. If this bit of land is to be treated as an encroachment of a bad kind there is no doubt there has been similar encroachment almost all the way along the road from to the station but all of it is encroachment of long standing planted up with sugar-cane. Though this is undoubtedly an encroachment technically it does not interfere with the road so far as I can see. The present road is well defined and quite broad enough for two carts to pass each other as reported by the SC. On the other hand the encroachment is undoubtedly unauthorised and the land is very valuable and should be sold in public auction especially as the adjacent landholder once applied for it and was refused it because it was regd. as rasta poramboke or village site. Whatever village was there has been abandoned and it is not likely to be revived. In my opinion the land should be sold in public auction to the highest bidder. The bidding is likely to be quite brisk.

Survey III—49-8

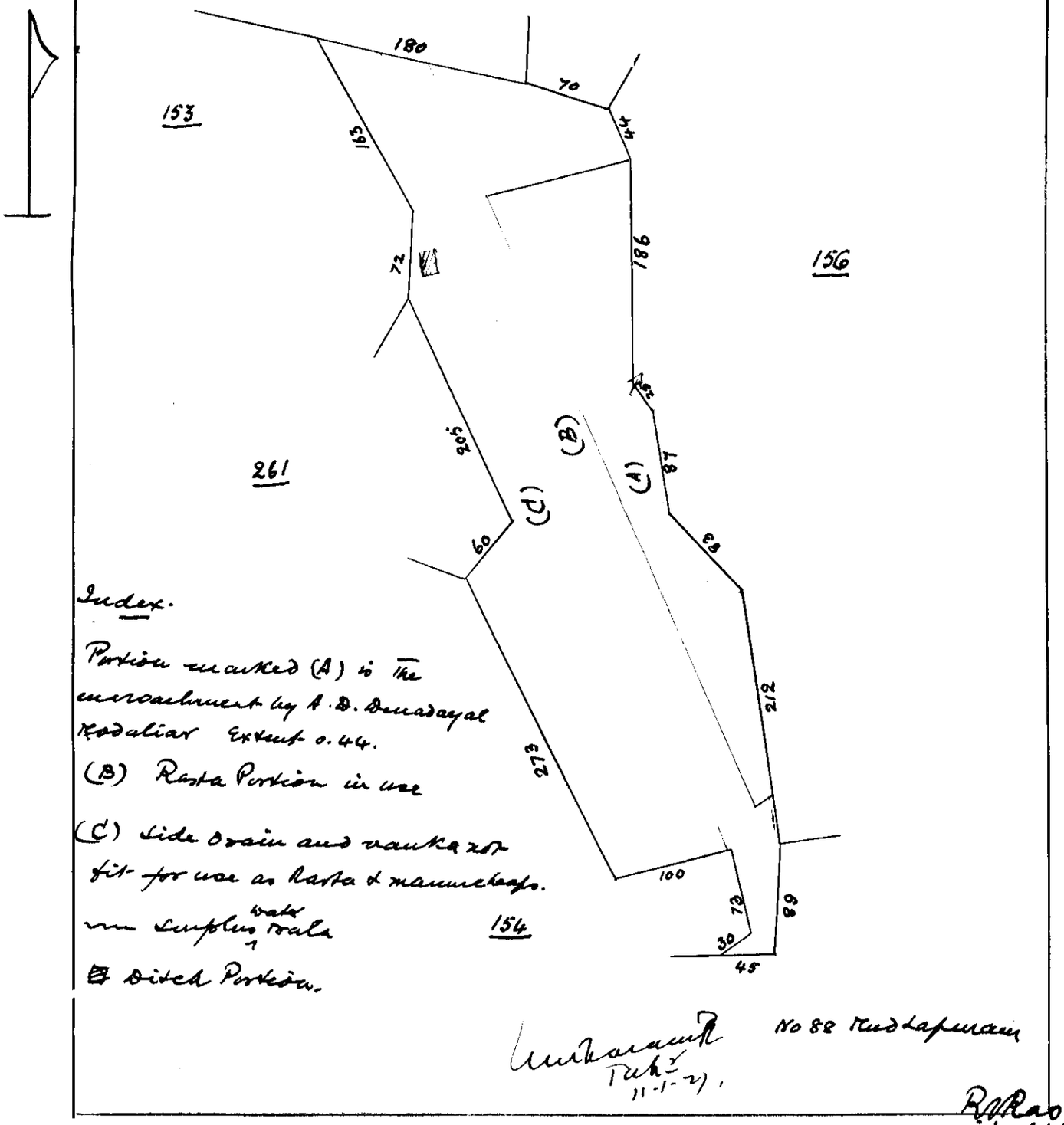
District Bellary

Taluk Hospet

Village { No. 89
Name Belagodu

Field No. 155

Area 1—4 Acres



Index.

Portion marked (A) is the encroachment by A. D. Devadayal Kodaliar Extent 0.44.

(B) Rasta Portion in use

(C) Side drain and vanka not fit for use as Rasta & manure heaps.

Surplus Water Pools

Ditch Portion.

No 88 Kudlapuram

Chikkarampur Patel 11-1-27.

R. A. Rao 6/1/27 RJ

Scale one Inch—One Chain

District

19

Village { No. / Name

Taluk

Field No. Area Acres.

Adjacent survey numbers:—

S.No 156 occ. - Pattadar Kamma Baraffa

171 ... " V. Gopal chetty

153 .. " G. C. Joseph

154 .. .. P. Venganna & mudada seethamma

152 village site Poramboke.

All Patta fields are under cultivation with Sugar-cane and Paddy.

Scale Inch=One Chain.

C.F. 16—12.86.979—24-9-26.

DRAFT FOR APPROVAL.

Enclosures.

Despatch No.

When given to fair copying

Fair-copied by

Fair-copy compared by

When despatched

Office.

Register No. dated

From

Subject.

Transfer - Land - Poromboke to ayan Bellary Dt - Hospet Th - Belagodu V.o - S.No 155 - Appeal - Orders passed

To

~~The~~ F. 6964/26 - 9.

= 762/27 - 9 (to the Collr. only.)

Res (Misc.) No A34 dated 16.2.27

The Board considers that ~~so much~~ such portion of the encroachment in S.No. 155, Belagodu Vge, Hospet Th, as will not interfere with the use of the road ~~in the said S.No~~ by the public, ~~should~~ may be transfered to assessed ~~ayan~~ and sold in public auction.

2/. The petr. is referred to the Collr. of Bellary for orders on his appeal petn. dated 12.10.26.

JJH 15-2-27

Dft. by 4th section.

To the Collr. of Bellary with enclosures.

To the petr. (para 2 only.)

DUPLY A.D. Deen Dayal Asst Engineering Contractor Hospet Bellary Dt

JJH 15.2.27

Dan 16/2/27

JJH 16.2.27

M,
A.S. (Sett.)

Transfer - Land - Poromboke to ayan - Bellary Dt
Hospet Tk - Belagodu vge - S.No. 155 - appeal.

F. 6964/26.

F. 762/27.

Please see the appeal petn. at ffr. 1'-4 C.f and the coll'r's report thereon at ffr. 16-17 C.f A sketch showing the field in question will be found at (P).

2. S.No. 155 is classed as road poromboke. A portion of it (0.44 acre in extent) was cultivated by the petrs. In 1925 some of the ryots of the adjacent fields submitted a petn. to the Rev. authorities complaining against the encroachment of the petrs. The Tahr. of Hospet in his report to the R.D.O, Hospet, dated 14.9.25 stated that the encroachment was objectionable on the ground that the road passing through S.No. 155 had become very narrow. The R.D.O, after personal inspection of the field, considered that the encroachment was not objectionable as the road at the place was wide enough for the passage of 2 carts and ordered on 17.11.25 that the land should be transferred to ayan and sold in auction

R.O.C. 1115/25 at (R)
ffr. 38-40 C.f

3. The question again came up for consideration during the next ufasli and the coll'r. (Mr. Bazlullah) remarked in the jamabandi Check Memo of the vge, that the occupation by the petrs. was objectionable

enough; that the occupant should be ordered
and that if such a course was not taken,
it would serve as a precedent to similar
objectionable occupation in future. Accordingly
the question of transferring the land to ayan
was dropped in Hosp. Sub-coll's D.Dis.C. $\frac{760-26}{A-4}$ Pp. 5-6 of (Z)
dated 23.6.1926 and it was also ordered
that the encroacher should be evicted. The
pets. therefore put in a revision petn, but the
coll. (Mr. Herbert) declined to set aside the
orders of his predecessor. It is against this
order that the present appeal is made. at p. 7 of (Z).

4. The present coll. (Mr. Froflow) has
inspected the locality and a copy of his
inspection notes is at p. 17 C.f. He considers
that, at the point where the encroachment
has been made, the road is distinctly broader
than in either direction and quite sufficient
for two carts to pass each other. As the land
however is very valuable, he considers that
it should be sold in public auction

For orders whether this view may be accepted
& the appeal rejected

W
9.2.27. JWH
14.2.27

The Coll. may be told that he may
transfer so much of the encroachment
to ayan as will not interfere with the use of the
S.V.O. as road and sell it in public auction
The pets. may be referred to the Coll. for action

Yes. though I doubt if a width of 30 links (see Sub. report at p. 14 of (R)) portion is sufficient for a road.

HH
18-2-27

AGS
14/2/27

To A.S. (Sett.)

PW 15.2.27 JWH 15.2.27

A.S. (Sett.)

Draft submitted AGS 16/2/27